

STATE OF MICHIGAN
COURT OF APPEALS

ROBERT S. ZUK,

Plaintiff-Appellant,

v

US BANK HOME MORTGAGE, FEDERAL
NATIONAL MORTGAGE ASSOCIATION, and
SCHNEIDERMAN & SHERMAN, P.C.,

Defendants-Appellees.

UNPUBLISHED

May 1, 2012

No. 303232

Livingston Circuit Court

LC No. 10-025617-CZ

Before: BORRELLO, P.J., and JANSEN and GLEICHER, JJ.

MEMORANDUM.

Plaintiff appeals as of right the trial court's order granting defendants' motion for summary disposition and dismissing his claim with prejudice. The trial court granted summary disposition pursuant to MCR 2.116(C)(8) on the primary grounds that plaintiff's complaint did not plead fraud with sufficient particularity under MCR 2.112(B)(1) and that the National Bank Act and 12 CFR § 34.4(a) preempted plaintiff's claims. On appeal, plaintiff only addresses the trial court's finding of insufficient particularity under MCR 2.112(B)(1); plaintiff does not discuss or dispute the trial court's alternate grounds for summary disposition, e.g., federal preemption. Therefore, even if we were to find, as plaintiff argues on appeal, that plaintiff pleaded his fraud claim with sufficient particularity, or that the trial court should have allowed plaintiff the opportunity to amend his complaint, we would have no basis on which to grant relief. See *Derderian v Genesys Health Care Sys*, 263 Mich App 364, 689 NW2d 145 (2004); *Joerger v Gordon Food Serv, Inc*, 224 Mich App 167, 175; 568 NW2d 365 (1997). Accordingly, we will not review plaintiff's appeal.

Affirmed.

/s/ Stephen L. Borrello
/s/ Kathleen Jansen
/s/ Elizabeth L. Gleicher